

1877-004 Chancery Causes: Samuel & Miller wife vs Peter T. Miller wife &c
Lee Co.

Ewing, Harris, Thompson

6 Plots

CA-Estate Dispute
T-Property

Will: 1874 : John Miller : Lee County

To the Honorable John A. Kelly Judge of the Circuit Court of Lee County:

The Bill of Complaint of Samuel Miller and Caroline Miller his wife of Lee County Virginia humbly Complaining respectfully represents that One John Miller deceased late of Lee County Virginia departed this life in the year 1874 after having made and published his last will and Testament which has been admitted to record in the County Court Clerks' office of Lee County. The testator was seized and possessed at the date of his death of a very large and valuable tract of land lying and being about three and one half miles west of Jonesville on both sides of the main road and which tract contains about 640 acres more or less and all of which is embraced in two deeds of conveyance to said John Miller deceased one being from Stephen T. Neill and Mary his wife and the other being a deed from David Miller to said John Miller and also a grant from the Commonwealth of Virginia to said John Miller deceased. Your Prators herewith file as part of this Bill a copy of said last will and Testament marked (A) by which it will be seen that Mary Miller the wife of the Testator was to have a support such as she ought to have out of the proceeds of the farm during her natural life.

But your Orators will here state that Mary Miller the widow did not survive her late husband but a short time as she also died in the year 1874. Under and by virtue of the said last will and testament the said tract of land descended and became vested as follows to wit: Your Orator Samuel Miller, Peter T. Miller, John Miller and Mary Harris formerly Mary Ewing widow of Robert S. Ewing became the owners of the west end of the farm or tract west of a division line made by the testator as set forth in the said last will & testament, and David Miller, and William Miller, and Ellen C. Miller and Sarah E. Thompson the wife of John B. Thompson became the owners of the East end of the tract east of the said division line all of whom being sons and daughters and heirs of the said John Miller deceased. Your Orator will here state that since the death of the testator John Miller deceased the said John Miller and Martha Miller his wife sold and conveyed their undivided interest in the western half of said tract to one Mary Miller who is the wife of said Peter T. Miller to hold the same during her life and then to her four children who are as follows to wit Martha M. Miller, Mary Miller, William A. Miller and Sarah Miller. and about the

Same Time the Said David Miller sold and
Conveyed his undivided interest in the eastern
half of Said Tract to the Said John Miller &c.
Your Orators will further state that Sometime
in the Year 1825 the Said Mary Harris departed
this life intestate leaving the following Children
and heirs to whom her undivided interest
in the Said real estate descended to wit:
Letitia B. Ewing, Charles H. Ewing, John M.
Ewing, Ellen M. Ewing, Bathsheba H. Ewing,
Orey Harris and Emily Harris, and the
Said Letitia B. Ewing after she become twenty
one years old sold and Conveyed her undivided
interest in her mothers Share of Said Tract
to your Orator Samuel Miller and now
at this Time the Said David Miller has a Mortgage
on the Said Peter J. Millers undivided Share
and on Your Orators undivided Share which
are liens against the Same. Your Orator will
here state that it was the Testators intention
by his will to divide his entire tract into
two equal divisions quantity and quality
Considered the Eastern division Contains about
337 acres and the western Division Contains
about 303 acres and then he assigned the
western half of Said Tract to four of his
Children and heirs and the eastern half to
his other four Children and heirs.

Your Orators allege that the Title to the Land
by virtue of Said will and Testament and
Conveyances and by Course of descents is, ^{now} as
follows to wit. Your Orator Samuel Miller
owns $\frac{1}{4}$ & $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{2}$ ^{the whole} of the entire tract
Peter J. Miller $\frac{1}{4}$ of the western half of the tract
Mary Miller wife of Peter J. Miller owns $\frac{1}{4}$
of the western half of Said Tract during her
lifetime and the remainder falls to her Said
four children Martha W. Mary, William
A. and Sarah Miller. The ^{Six} heirs of Mary
Harris deceased to wit Charles H. Ewing, John M.
Ewing Ellen M. Ewing Bathsheba K. Ewing Orey
Harris and Emily Harris each the $\frac{1}{6}$ of $\frac{1}{4}$ of
the western half of Said Tract, John Miller Jr.
owns the $\frac{1}{4}$ of the eastern half of Said Tract
William Miller owns $\frac{1}{4}$ of the eastern half of
Said tract & Ellen C. Miller owns $\frac{1}{4}$ of
the eastern half of Said Tract and Sarah
Thompson wife of John B. Thompson owns the
 $\frac{1}{4}$ of the eastern half of Said Tract, Your
Orator Samuel Miller's fourth and Peter J.
Miller's fourth of the western half being
subject to David Miller's mortgages as a-
foresaid. Your Orators will further state
that the Said Martha W. Miller Mary Miller
William A. Miller and Sarah Miller children of
the Said Peter J. Miller and Mary Miller are

all minors under Twenty one years of age and the Said Charles H. Ewing and John M. Ewing, Ellen M. Ewing Bathsheba H. Ewing and Oraz Harris and Emily Harris ^{Children} ^{minors} and heirs of Mary Harris deceased are also under Twenty one years of age, and Your Orators will also state that the Said William Miller Sr. and Mary Miller his wife and John B. Thompson and Sarah E. Thompson his wife are nonresidents of Virginia and live in the State of Texas. Your Orators allege that Said tract of land is liable to be partitioned among the present owners thereof and the object of this bill is to have a partition made of Said land amongst them according to their respective rights and interests in the Same,

And Your Orators being without an adequate remedy at law and only relievable in in a Court of Chancery their prayer therefore is that the Said Peter J. Miller and Mary Miller his wife and their Children to wit Martha M. Miller Mary Miller William A. Miller Jr. and Sarah Miller and the Said six Children of Mary Harris deceased to wit Charles H. Ewing John M. Ewing Ellen M. Ewing Bathsheba H. Ewing Oraz Harris and Emily Harris and the said John Miller and Martha L. Miller his wife

and William Miller Sr. and Mary Miller
his wife and Ellen C. Miller and John B.
Thompson and Sarah E. Thompson his wife
be all made the parties defendants to this
and that they all be Summoned and re-
quired to answer the several allegations
of the same upon their oaths and that an
order of Publication be duly made posted
and published against William Miller Sr. and
Mary Miller his wife and John B. Thompson
and Sarah E. Thompson his wife who are non-
residents and that a Guardian ad litem
be appointed to appear answer and defend
in this cause for the said Martha W. Miller
Mary Miller William A. Miller Jr. Sarah
Miller Charles H. Ewing John M. Ewing Ellen
M. Ewing Bathsheba R. Ewing Orij Harris
and Emily Harris who are all minors under
Twenty one years of age and that upon a
hearing in this cause a partition of said land
be decreed and that Commissioners be ap-
pointed for this purpose and such other
further and general relief be extended to
your Orators as may be consistent with eq-
uity and justice and best suited to
their cause May the Commonwealths writ
of Spa. issue directed &c. Miller for
Complainant,

Samuel Miller & wife.

vs. } Bill in Chy.

Peter J. Miller & others

~~vs. Miller & others~~
~~vs. Miller & others~~
~~vs. Miller & others~~

Filed & placed upon
the issue docket
Decree & Costs.

1877 Decree & Costs.

" 1877 Costs.

1877. Mr. Costs.

" 1877 Decree & Costs.

" Nov. Decree & Costs.

G 17.54

A 15.00

G 3.00

G. A. L. 5.00

Courier & Davis 4.00

" G. T. Hamilton 2.00

" R. M. Hamilton 2.00

" Curing 1.00

" Bartow 1.00

" Eddy 1.00

G 51.54

Curing 2.00

Eddy 2.00

Bartow 1.00

G 56.54

To the Honorable John A. Kelly Judge
of the Circuit Court of Lee County:

The Joint Answer of William Miller and
Mary Miller his wife and John B. Thompson
and Sarah E. Thompson his wife ~~to the~~
~~and John Miller and Martha L. Miller his wife and James A. Robinson~~
Bill filed in this Cause against them and
others by Samuel Miller and wife and for
Answer they say that they waive all process
and proceedings at rules in the Clerk's
office and that they admit the plaintiffs
right to have the land in the bill mentioned
partitioned and they desire for themselves an
equitable and fair partition of said
land according to the rights and
interests in the same and having an-
swered they pray to be dismissed with their
Costs. Miller for Respondents

Samuel Miller &
wife

Andrew off
Mrs Miller & wife

John & Thompson
and wife

Peter & Miller &
others

Deak Whithead married Ellen M. Ewing and
Silas D. Martin bought out said Whithead
& wife's interest in same.

to the Honorable John A. Kelly Judge of
the Circuit Court of Lee County:

The Joint answer of Martha W. Miller
Mary Miller Jr. William A. Miller Jr. Sarah
Miller Charles H. Ewing John M. Ewing Ellen
M. Ewing Bathsheba K. Ewing Orey Harris
and Emily Harris by Auburn S. Pridemore
their Guardian ad litem to the Bill filed
in the Circuit Court of Lee County against
these respondents and others by Samuel
Miller and Caroline Miller his wife and
for answer thereto these respondents say that
they reserve to themselves the benefit of
the usual exceptions to Complainants bill
and they further say that they are minors
under twenty one years of age and have
not the discretion of persons of maturer
years and the Courts of Chancery being
the peculiar Guardians of the rights
of infants these respondents ask the
protection of the Court in any and
all things that effects their rights and
interests in the premises and having an-
swered as fully as it is deemed necessary
for them to answer they pray to be dis-
missed with their costs.

A. S. Pridemore

Guardian ad litem

Subscribed to

Virginia Lee County to wit:

This day Auburn L. Pridemore made oath before me that the statements made and contained in the foregoing answer are true to the best of his knowledge information and belief. Given under my hand this April 6th 1876.

James Worr clerk

Samuel Miller & wife	125-	14
Antenor & Family	30	5
Guardians in return	42	2
	2.97	
	31	
	25-	
	75-	
	180	
	50	
	75-	
	3.05-	

Peter & William & others
 Filed Oct. 21st Term 1876.
 J. W. Worr, Clerk.

Samuel Miller & wife Plffs. }

Against

Peter J. Miller & others Sept)

Decree
Final

This Cause Came on this day to be heard upon the papers formerly read and the report of Joseph H. Ewing Thomas S. Ely and Jonathan Barlow Comrs. who partitioned the eastern half or division of the land in the bill mentioned pursuant to a former decree entered in this Cause and was argued by Counsel And it appearing to the Court that Said Comrs. report and the plat therewith have been filed in the Clerk's office ~~for~~ this Cause the time required by law and there being no exceptions thereto the Same are hereby approved and Confirmed on Consideration of which the ~~Alameda~~ Court hereby Adjudges orders and decrees that the Said parties Take and hold the Said lots of lands as they are laid off and allotted to them in Said Commissioners report and plat and that the Clerk of the County Court of Lee County is hereby directed to record the Same to-

Jether with these decrees in the deed book
 in his office and the parties to this suit
 are required to pay the Costs of the
 Same in proportion to their interests
 in the lands in the bill mentioned and
 nothing further being necessary this
 Cause is ordered to be Stricken from
 the Docket.

Samuel Miller & wife

vs. Decree final.

Peter J. Miller & wife

Entered on Page 116.
As ordered

Date
 Jan 27th.
 Recd 6/77

Virginia,

At a Circuit Court continued and held for Lee
County, at the Court house thereof, on Wednesday
the 5th day of Sept, 1877.

Samuel Miller & wife

against

Peter T. Miller & wife et als

Plffs.

vs. Defs. } Jas. Chy.

Defts.

x x x x x x x x x x. The Court hereby appoints Joseph B. Ewing,
Jonathan Barlow and Thomas S. Ely, the Commissioners
who last partitioned the western division or half of
said tract, as Special Comrs. to partition the Eastern half
or division of said tract, so as to give the said John Mil-
ler, William Miller, Ellen B. Robinson and Sarah E.
Thompson, each the fourth part in value of said East-
ern half or division of the tract, and will make a
report and plat of their partition, and return the
same to this Court, and the Cause is continued
till next term.

Attest

R. W. Orr Jr. D.C.

Samuel Miller & wife
vs { Copy of Deed
Peter T. Miller & wife
et als

1st day Nov. Term 1877.

Exp^{ts} to

Thos. S. E. & Co.,

8.00

3.00

Erving 1.00

Barlow 1.00

Eely 1.00

Samuel Miller & wife Plffs.

against

Peter T. Miller & wife & others Defs.

} Decree

On motion of William Miller and Mary Miller his wife and John B. Thompson and Sarah E. Thompson his wife, by their Counsel leave was granted them to file their answer and the same was accordingly filed and thereupon this Cause came on this day to be further heard upon the papers formerly read in the Cause and was argued by Counsel and it appearing to the Court that the said William Miller and Mary Miller his wife and John B. Thompson and Sarah E. Thompson and John Miller and Martha L. Miller his wife and James C. Robinson his wife, in their answer waive all process and proceedings at rules and admit the allegations contained in the plaintiffs bill and all agree to a partition of the land in the bill mentioned ~~and by~~ The Court hereby appoints Joseph H. Ewing Jonathan Barlow and Thomas S. Ely the Commissioners who last partitioned the western half of said tract as Special Commissioners to partition the Eastern half or division of said tract so as to give the said John Miller, William Miller, Ellen C. Robinson, and Sarah E. Thompson each the fourth part in value of said Eastern half or division of the tract

And will make a report and plat of
their partition and return the Same to
this Court And the Cause is Continued till
next Term

No 2.

Samuel v. Miller &
or vs

vs }
Shore in Chy

Plt of Miller & Shore

Exhibit page 674

A. M. Or. p. 102.

No 2

Exh.

Exh.

Sept 5/1777

Samuel Miller and wife Plffs. }
against } Decree
Peter T. Miller & others Defts }

This Cause Came on this day to be heard upon the papers formerly read in the Cause and the report and plat of Joseph H. Ewing Jonathan Barlow and Thomas S. Ely Commissioners appointed by a former decree entered in this Cause to carefully review the partition as made by the former Commissioners and if they found any inequality in it, to make a new partition as directed in the former decree or Correct the former division so as to make it equal if it can be done and the said last report having been filed in the Clerks office for more than ten days and no exceptions being filed thereto the same is hereby approved & Confirmed and the exceptions to the first report are hereby Sustained On Consideration of which the Court hereby orders adjudges and decrees that the parties take and hold respectively the land as laid off and allotted to them in the said report & plat last made by Commissioners Joseph H. Ewing Jonathan Barlow and Thomas S. Ely and it appearing to the Court that the plaintiff Samuel Miller and wife had sold and conveyed their part in said land to Alexander

C. McNeil the same is therefore laid off allotted and assigned to him as designated in said plat and report which lot contains $69\frac{2}{3}$ acres and the lot containing $55\frac{2}{3}$ acres is laid off allotted and assigned to the Defendants Charles H. Ewing, John M. Ewing, Ellen M. Ewing now Ellen M. Whitehead, Bathsheba K. Ewing, Gray Harris and Emily Harris jointly and the lot containing 125 acres is laid off allotted and assigned, one undivided half to Defendant Peter T. Miller, and the other undivided half to Mary Miller his wife, during her life, and then to their four children, Martha M. Miller, Mary Miller Jr., William A. Miller, & Sarah Miller; Peter T. Miller's undivided half being subject to a mortgage in favor of David Miller, and the Court hereby directs the Clerk of the County Court of Lee County to admit to record in the Deed Book in his office, the last decree entered in this cause, the Commissioners report and plat, made by Commissioners Joseph H. Ewing Jonathan Barlow and Thomas S. Ely and also this decree.

Vol 1
Samuel Miller & wife

Decree

Peter T. Miller & others

Entered Page 674

R W Orr for Dec.

N. 1

R

Er -
J. A. K.
for
Sept 6, 177

Peter Miller & wife

and

Samuel Miller & wife

} on Exceptions

This case came on to be heard on the exceptions to the report of our partition, and after hearing the parties, the court neither sustains nor overrules the exceptions, at this time the court orders and decrees that after being duly summoned ~~Charles C. Elliott~~ Joseph H. Ewing and Jonathan Barlow ^{James G. Ely} appointed commissioners and herein after giving to the parties notice as required in the former decree, do go on the land and carefully review the partition as made by the former commissioners and if they find any inequality in it, that they make a new partition as directed in the former decree and correct the former division so as to make it equal, if it can be done, and make report to this court as to how they have performed their duty and this court will be satisfied.

Samuel Miller & wife

vs. } Acres for
 } new partition

Peter T. Miller
 & others

Registered Order Book
page 564.
James W. Orr. clk.

Enter
J. W. R.

Sept. 8/76

Samuel Miller & wife Plffs.

Against

Peter T. Miller & others Defs.

} Decree in Chy

The plaintiffs in this cause this day filed their Bill and thereupon by the Consent of the adult Defendants Peter T. Miller and Mary Miller his wife John Miller and Martha L. Miller his wife and Ellen C. Miller this cause is placed on the issue docket and it appearing from the Bill that the Defendants Martha M. Miller, Mary Miller Jr., William A. Miller Jr., Sarah Miller Charles H. Ewing, John M. Ewing Ellen M. Ewing Bathsheba R. Ewing Gray Harris and Emily Harris are infants, On motion of the plaintiffs Auburn L. Bridemore is appointed guardian ad litem for them, and on his motion leave is granted him to file his answer and the same is accordingly filed and thereupon by Consent of parties this cause came on to be heard upon the Complainants bill ~~and the answer~~ and the answer of the infant Defendants by Auburn L. Bridemore their guardian ad litem and was argued by Counsel and it appearing from Complainants Bill that the tract of land in the Bill mentioned is viable

to partition amongst the parties to this suit, and
it further appearing to the Court that some
of the parties owning shares in the eastern
Division of Said tract are not yet before the
the Court, ^{the Court} therefore only takes action at this ^{the}
time as to the partition of the western ^{by consent of parties before}
half or division of the said tract and hereby
orders adjudges and Decrees that Eli Davis
~~Richard M. Lombard & Chas. J. Lombard~~ ^{J. Lombard} be appointed to go upon
the western half or Division of Said tract and
partition lay off and allot the same as follows,

To the plaintiff Samuel Miller the one fourth
and the one seventh of one fourth thereof
to the Defendant Peter J. Miller the one fourth
thereof and to Mary Miller wife of Peter
J. Miller during her life and then to her four
Children the one fourth part thereof and
to the infant defendants Charles H. Ewing
John H. Ewing Ellen M. Ewing Bathsheba
F. Ewing Orey Harris and Emily Harris
jointly the Six sevenths of one fourth thereof
and they will report their action to Court
and the Cause is Continued

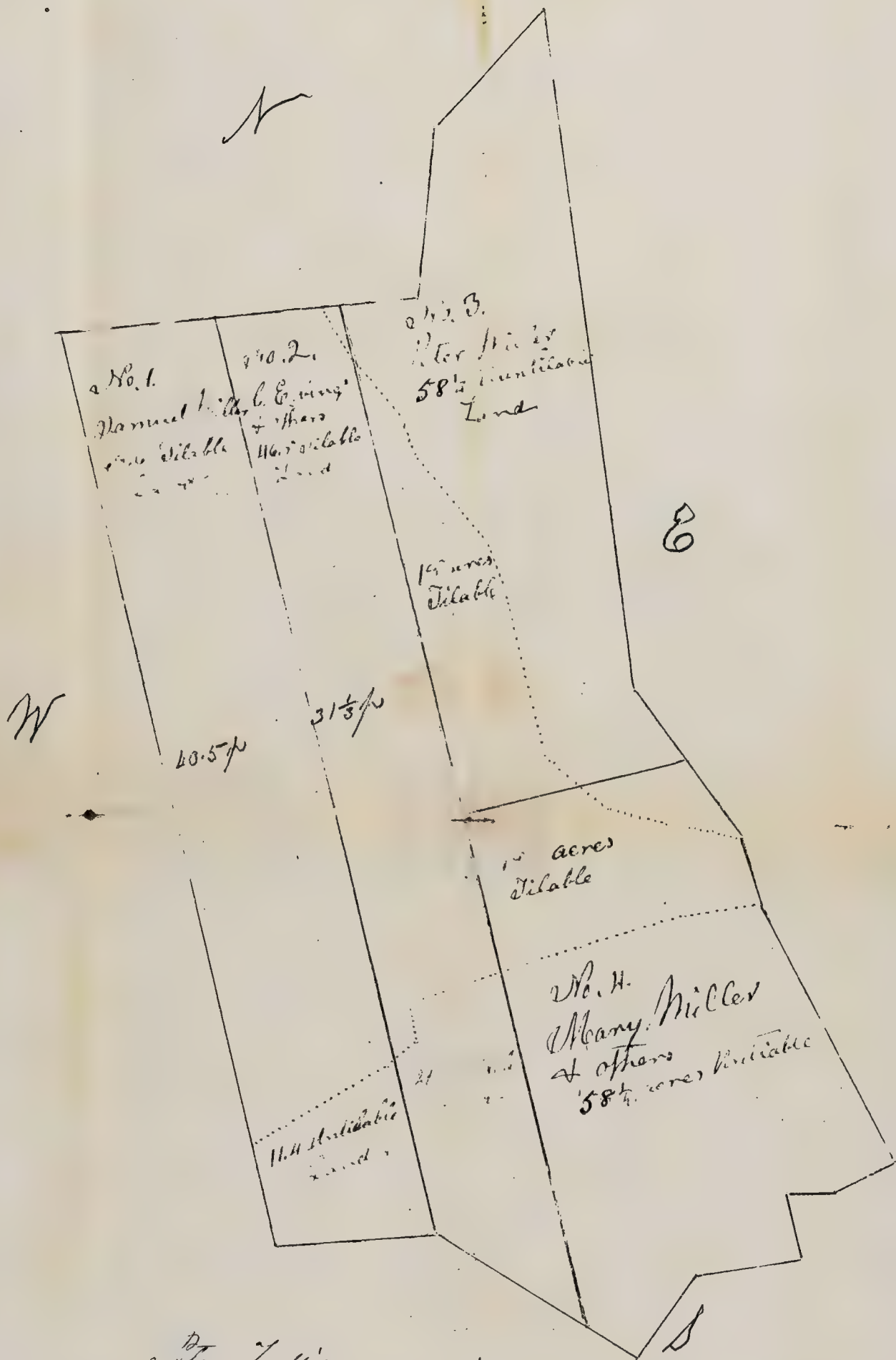
Enter
Book
Apr 11/76

Peter J. Miller & others
Eastern Order Book
page 526 & 527.
James W. Merrill

Samuel Miller & wife
vs
Peter J. Miller & others
Decree

Samuel Miller
& others

Plat Showing
The timber and
untimbered land
on each lot.



Dr. J. Miller is entitled to one fourth of
 the land and his fourth is allotted to
 him contains about 18 acres or 23 acres of Tiltable land
 Wm. Miller his wife & her children own
 one fourth and their lot contains 18 acres of Tiltable land
 Charles H. Ewing & others own $\frac{6}{7}$ of $\frac{1}{4}$ and their share
 contains $46\frac{5}{10}$ acres of Tiltable land
 Samuel Miller owns $\frac{1}{4}$ & $\frac{1}{7}$ of a fourth and his
 lot contains $68\frac{6}{10}$ acres of Tiltable land



Samuel Miller
& others plat
of land

Three whitecoats & 7
Stooping Black ^{oaks} ~~Pines~~ Corner

1 N² 14½ W 274
 2 N 84 E 46
 3 S 14½ E 278
 19 S 87 W 47

80 acres

Lot No 2.

18 N 59 W 52

19 N 14 $\frac{1}{2}$ W 278

3 N 84 E 37

4 S 14 $\frac{1}{2}$ E 308

67 $\frac{1}{2}$ ft

Lot N^o 3.

4 N 84 E 23 1/2.
 5- N 3 E 50.
 6 N 42 E 47.
 7 S 8 E 210.
 8 S 37 E 25.
 9 S 75 W 67.

76 1/4 A.

No. 4. Lot

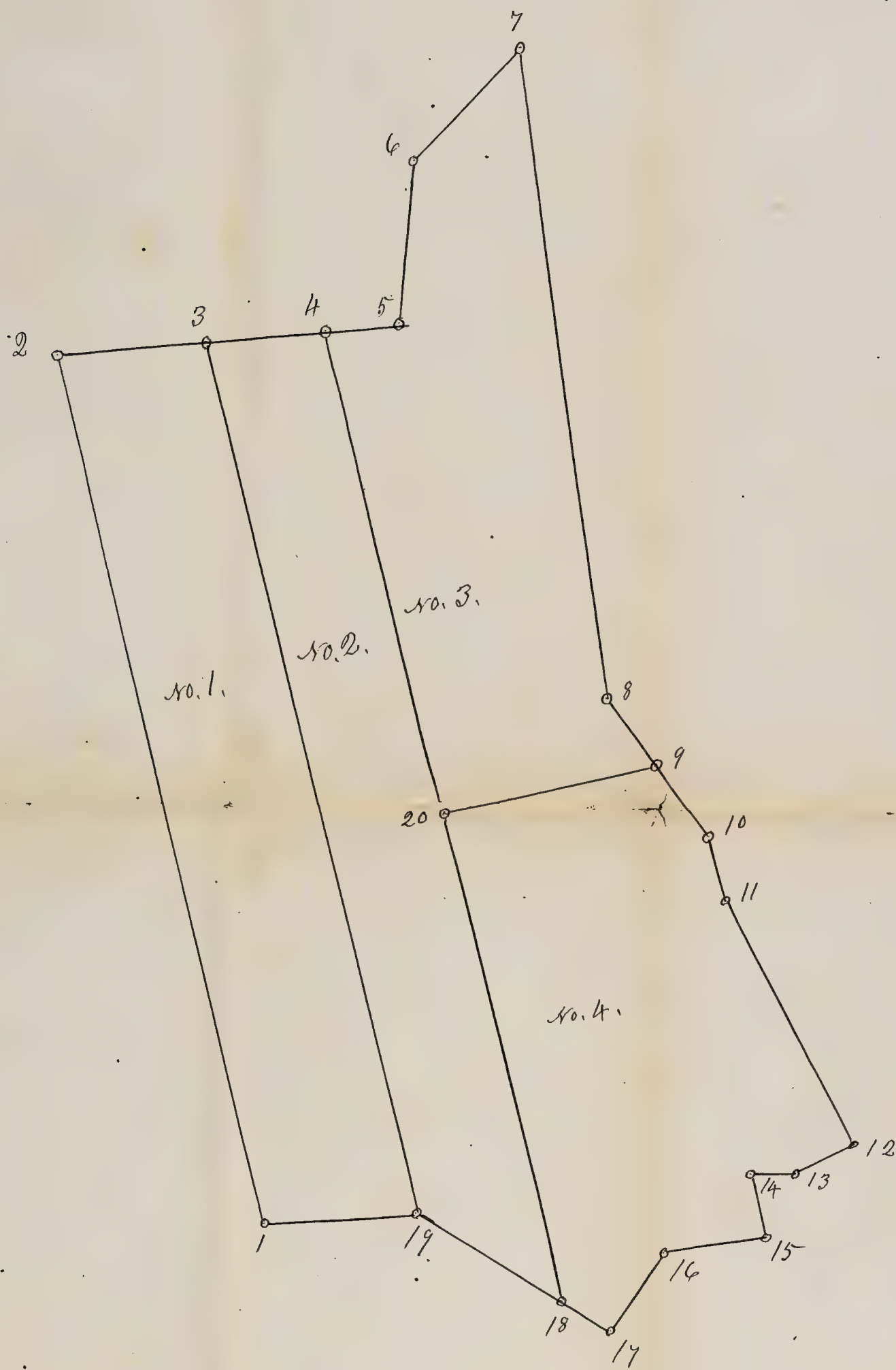
10 S 16 $\frac{1}{2}$ E 20. $\frac{1}{2}$ A.
 11 S 29 E 85.
 12 S 60 W 20.
 13 West 14.
 14 S 15 E 20.
 15 S 80 W 32.
 16 S 32 W 30.
 17 N 59 W 18.
 18 N 14 $\frac{1}{2}$ W 15 4.
 20 N 75 $\frac{1}{2}$ E 67.
 9 S 37 E 28.

Sa.iller
+ others
Plot of Land.

North

West

East



South

Samuel Miller & wife
vs { Report of Comrs.
Peter J. Miller et al.

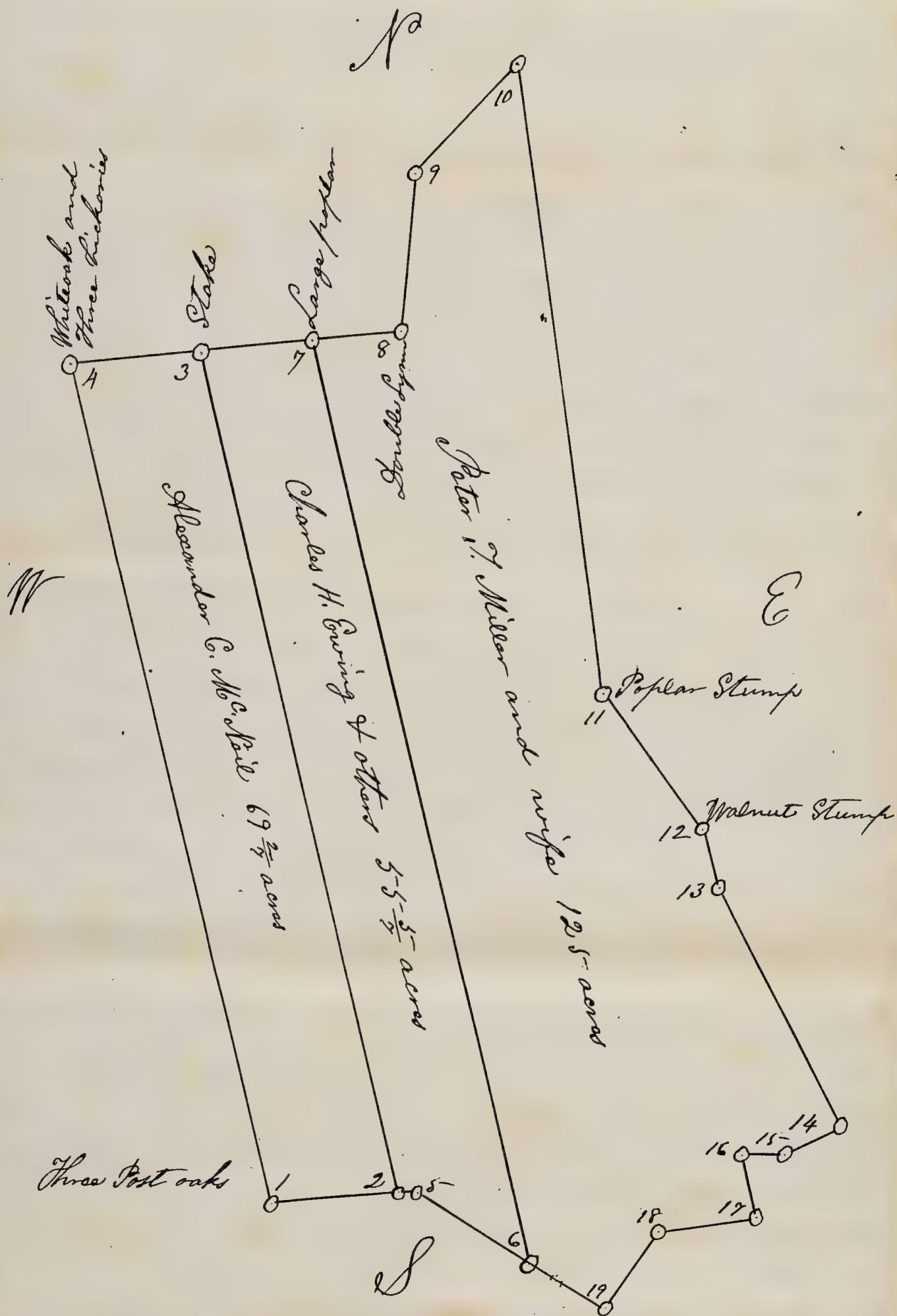
Filed Aug. 10th 1876.
James W. Orr. Clk.

See figures 7-8-9-10-11-12-13-14-15-16-17-
18-19-6 & 7 - Peter T. Miller's undivided half
of this lot is subject to a mortgage executed
by him to David Miller and which is not
to be effected by this partition and allot-
ment, all of which is hereby respectfully sub-
mitted to your honor.

Jos. H. Ewing
Jonathan Barlow
Thos. S. Ely

Com-
mis-
sion-
ers.

Comms. Fees. J. H. Ewing \$1.00
Jonathan Barlow \$1.00
Thos S. Ely \$1.00



Samuel Miller & wife

peps)

Against

Peter F. Miller & others

Sept.

Comrs. Report

To the Honorable John A. Kelley Judge of the Circuit Court of Lee County:

Pursuant to a decree of the Circuit Court of Lee County made and entered ^{the above styled Cause} ~~into~~ on the 7th day of April 1876 and another decree entered in Said Cause on the 8th day of September 1876 in the Circuit Court of Lee County the undersigned Commissioners appointed by the last named decree after giving the parties notice as required by the first named decree and after being duly sworn as required by said last decree we went upon the land in the bill mentioned and carefully reviewed the partition made by the Commissioners appointed by the first decree entered in this Cause and ~~we~~ having found an inequality in said former partition we hereby make a new partition as directed in the former decree and correct the former partition so as to make it equal and hereby submit this as our partition and correction of the partition made by the former Commissioners a plat of which is herewith filed and we report as follows:

First. We have laid off allotted and assigned to Samuel Miller sixty nine and two sevenths acres of the said tract of land on the west end of the tract adjoining the land owned by A. C. McNeil the said $69\frac{2}{7}$ acres having been sold and conveyed to

Said A. C. McNeil by Samuel Miller and Caroline his wife the same is hereby laid off allotted and assigned to Said A. C. McNeil and is bounded as follows:

Beginning at three postoaks a corner to said A. C. McNeil's and Joseph H. Ewing's lands and thence running with the old original line $N^{\circ} 87^{\circ} E 40\frac{3}{4}$ poles to a stake on said line a corner to the lot hereby laid off to Charles H. Ewing & others and with a line thereof $N^{\circ} 14\frac{1}{2}^{\circ} W 278$ poles to a stake on the East side of a hollow on the old line a corner to the lot laid off to Charles H. Ewing and others thence with the old line $S 85^{\circ} W 41$ poles to a white-oak and three Hickories a corner to said A. C. McNeil's land and thence with a line thereof $S 14\frac{1}{2}^{\circ} E 274$ poles to the beginning.

See figures 1-2-3-4 & 1 on the plat

This lot is intended to include the one fourth and the one seventh of one fourth of the western division or half of the tract of land lately owned by John Miller decd.

Second. We have laid off allotted and assigned to Charles H. Ewing, John M. Ewing, Ellen M. Ewing, Bathsheba K. Ewing Orey Harris and Emily Harris jointly fifty five and five seventh acres of said land next adjoining the same and which is bounded as follows to wit:

Beginning at a Forked Spanishoak in the edge of the cedars a corner to David A. Martin's land and with a line

thereof $S 59^{\circ} E 43$ poles to a stake on said line which is also a corner to the lot laid off to Peter J. Miller and Mary Miller his wife and with a line thereof $N^{\circ} 14\frac{1}{2}^{\circ} W 302$ poles to a large poplar on a rise on the old line on the west side of a path a corner to Peter J. Miller and Mary Miller his wife's lot and with said old line $S 85^{\circ} W 31\frac{1}{2}$ poles to a stake on said line on the East side of a hollow a corner to the lot herein laid off to A. C. McNeil and with a line thereof $S 14\frac{1}{2}^{\circ} E 278$ poles to a stake on the old line about 6 poles west of the said Forked Spanishoak corner and thence with the old line $N^{\circ} 87^{\circ} E 6$ poles to the beginning. See figures 2-5-6-7-3 & 2, on the plat. This lot is intended to be six sevenths of one fourth of the western division or half of the tract of land owned by John Miller deceased.

Third. Peter J. Miller owns one fourth of said Western half or division of said tract of land and Mary Miller his wife also owns one fourth during her life and it then falls to her four children three of whom are minors under twenty years old and we thought it best and particular. So for the minors that the said two shares should not be divided at this time and we have laid off the two shares to them according to their respective rights and interests in the same in one body which includes

the balance of the western division or half of
 the John Miller tract of land and contains One
 hundred and Seventy five acres and is bounded
 as follows Beginning at a large poplar on a rise on
 the north line of the old tract on the west side of a
 path and thence with the lines of the land owned by
 John Miller deceased at his death N 84 E 33 1/2 poles
 to a double lynn in a hollow thence N 3 E 50 poles
 to a Stake on the Cornes or Snodgrass line thence N
 42 E 47 poles to three whiteoaks and a stooping
 Blackoak Fisher's Corner thence leaving the outside
 lines and with the division lines as run and estab-
 lished by David Miller and established by the
 last will and Testament of John Miller deceased
 S 8 E 210 poles with a marked
 line to a large poplar Stump
 thence S 37 E 53 poles to a
 walnut Stump in the north
 side of the main road thence
 S 16 1/2 E 20 poles to a rock thence
 S 29 E 85 poles to a Stake on David
 A. Martin's line and with his
 lines S 60 W. 20 poles to a post oak
 thence west 14 poles to a post
 oak and Cedar thence S 45 E 20 poles to a Hickory
 and post oak thence leaving Martin's lines S 80 W 32 poles
 to a post oak Hamblen's Corner thence S 32 W 30
 poles to a Stake in Hamblen's line and on
 Martin's line and with Martin's line N 59 W
 27 poles to a Stake on Martin's line a Corner
 to the lot laid off and allotted to Charles H.
 Ewing & others and with a line thereof
 N 14 1/2 W 30 2 poles to the beginning

Samuel Miller & wife

Cornet,

vs.

Report of
Commissioners

John v. Miller & others

Filed Aug 23rd 1877.

James M. Orr. Clerk.

(to be recorded)

Recorded in 2nd Book 167. Page 234. 245-246

and supposed to be where two Dog-wood stumps on a flat once stood which were a corner to said Miller's and Leedy's lands, thence S 69 E 30 $\frac{1}{2}$ poles to a walnut and Hickory at a sinkhole another corner of said Miller's and Leedy's lands, thence S 57 $\frac{1}{2}$ E 18 poles to a walnut where two postoaks once stood another corner of said Miller's land, thence S 53 $\frac{3}{4}$ W 50 poles to four Chinquapin oaks on the north side of a large sinkhole a corner to the Beaty land and with a line thereof S 50 W 44 poles to a stake in the said Beaty line a corner to the lot herein laid off and assigned to John Miller and with a line thereof N 43 W 180 poles passing through the head of the main upper spring to a small Chinquapin oak on a ledge of rocks a corner of a 68 acre survey made in the name of said John Miller Sr. deceased and thence with David A. Martin's line N 65 E 99 poles to the beginning.

Second We laid off allotted and assigned to John Miller 65 acres next to

the above including the mansion house and which is designated on said plat by the letters E F G H I J. K L E and which is bounded as follows to wit. Beginning at a stake on what was once the Peaty line and which is the South Corner of the lot laid off and assigned to William Miller and with a line thereof N 43 W 180 poles passing through the head of the main upper Spring to a small Chinkapin oak on a ledge of rocks a corner to a 68 acre Survey made in the name of John Miller Sr. deceased and also a corner to the lots laid off and assigned to said William Miller and Sarah E. Thompson and with the said Sarah E. Thompsons lines S 6 E 113 poles to a rock at the garden gate west of and near the mansion house thence S 27 E 93 poles to a stake on David A. Martin's line and with the same N 60 E 9 poles to marked timber a corner of said Martin's 25-acre tract and with a line thereof S 45 E 30 poles to a cedar another corner of said Martin's thence leaving said lines and with

The lines of what was once the Beatty land N 18 W 40 poles to a walnut and Post oak on a rise a Corner To Said land thence N 50 E 69 poles to the beginning

Third The laid off allotted and assigned to Sarah E. Thompson 8 5/8 acres next to the said John Miller's lot and which is designated by the letters J H I P C N M G and which is bounded as follows: Beginning at a small Chinquapin oak on a ledge of rocks a Corner to a 68 acre Survey made in the name of John Miller Sr. deceased and herein made a Corner to the lots laid off and assigned to William Miller and John Miller and with the lines of John Miller's lot S 6 E 113 poles to a rock at the garden gate west of and near to the mansion house thence S 27 E 93 poles to a stake on David^A Martin's line and with the same S 60 W 31 poles to a stake on said line a Corner to the lot laid off allotted and assigned to Ellen C. Robinson and with her lines N 27 W 94 poles to a stake in the main road thence N 14 1/2 W

277 poles to a Blackoak and White
oaks on a rise Fishers Corner and
thence with Fishers lines N 78 E 23
poles to a whiteoak and Dogwood
David A. Martin's Corner and also a
Corner of the 68 acre Survey made
in the name of John Miller Sr.
deceased and with the lines thereof
S 27 E 150 poles to the beginning.

Fourth

We laid off allotted and assigned
to Ellen C. Robinson 85 acres of
said land adjoining the said Sarah
E. Thompson's lot and adjoining the
lot formerly laid off to Peter J.
Miller and wife and which is
designated by the letters R. S. T. U
N O P Q R and is bounded as
follows to wit: Beginning at a
Walnut Stump in the north side of
the main road a Corner to Peter J.
Miller and wife's land and with
the lines thereof N 38 W 44½ poles to
a large poplar Stump thence N 8 W
210 poles to three whiteoaks and a
stooping Blackoak Fishers Corner and
with a line thereof N 42 E 47 poles
to a Blackoak and whiteoaks on a
rise Fishers Corner and also a Corner

of the lot hereby laid off to Sarah E. Thompson and with the lines thereof S $14\frac{1}{2}$ E 277 poles to a stake in the main road thence S 27 E 94 poles to a stake on David A. Martin's line and with the same S 60 W to a stake on said line a corner to Peter J. Miller & wife's land and with the lines thereof N 25 W 85 poles to a rock thence N $16\frac{1}{2}$ W 20 poles to the beginning.

The dotted line J. F. a. b. c. d. is the line that James B. Boling bought to there being 108 acres belonging to him east of said line but no deed has yet been made and no part of the purchase money has yet been paid.

Respectfully Submitted,

Jonathan Barlow

for J. Ewing

Thos. S. Ely

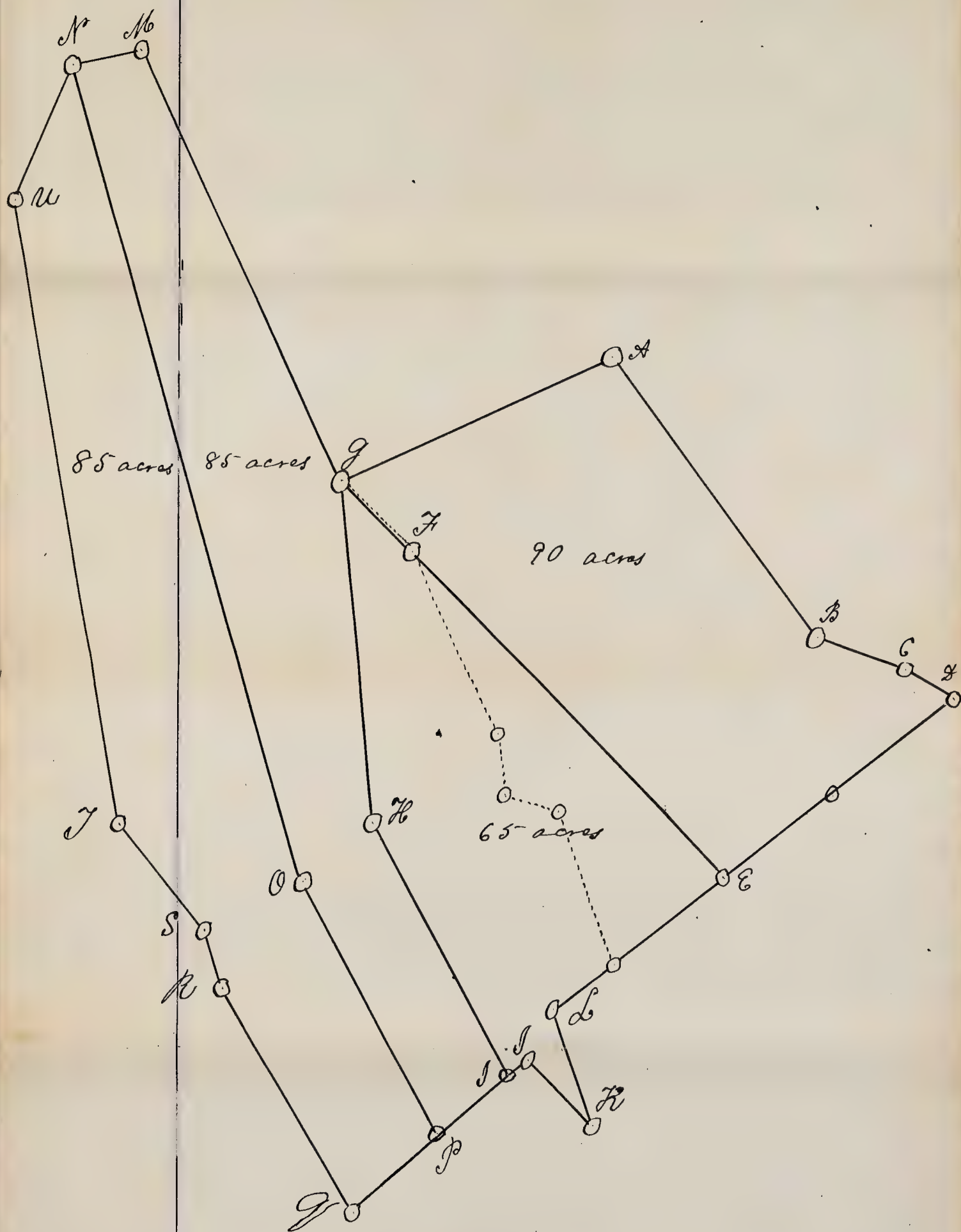
Commissioners

Cash. Fees

Joseph Ewing \$2.00

Thos. S. Ely 2.00

\$4.00



Samuel Miller
& wife.

vs. } Comrs. Report
and plat.

Peter J. Miller -
& others

Filed Nov. 15th 1877.
James W. Orr. Clerk.

Recorded in Sec. Book
No 18. Page 277
J. W. Orr. W.C.

To be recorded.

Pursuant to an order of the Circuit Court
dated the 7th day of April 1876 in the
case of,

Samuel Miller & wife, Plaintiffs
vs.

Peter T. Miller & others Defendants,

We, Eli Davis, Richard M. Hamblen, and
Champ T. Hamblen Commissioners, whose names
are herunto subscribed, proceeded on the 12th
day of June 1876, to lay off and assign in
lots, to the owners thereof, the western
half or division of the land of
John Miller Dec'd.

and beg leave to report:

1st, We assigned to Samuel Miller a lot
adjoining the lands of A. C. McNeil estimated
to contain 80 acres, represented on the plat
herunto annexed, by the figure 1.2.3.19.1,
and marked No. 1, and bounded as follows,

Beginning at three post oaks, McNeil and
Ewing's corner, and running thence with a line
of the former N. $14\frac{1}{2}$ W. 274 poles to a white
oak and three hickories, McNeil's corner,
thence N. 84° E. 46 poles to a chestnut stake
corner to the 2nd lot, and thence with a
line thereof S. $14\frac{1}{2}$ E. 278 poles to a double
Spanish oak and two cedars
thence S. 87° W. 47 poles to the beginning.
This we consider equal in value to one fourth
and one seventh of one fourth of the land.

Secondly, we assigned to Peter T. Miller the lot marked No. 3, and represented by the Figure 4. 5. 6. 7. 8. 9. 20. 4, estimated to contain $76\frac{1}{4}$ acres, and bounded as follows, viz:
Beginning at a Sugar tree, on the Outside line, corner to the 2nd. lot, and running thence N. 84° E. 23 poles to a double cypress in a hollow, thence N. 3° E. 50 poles to a Stake on the Carns line, thence N. 42° E. 47 poles to three white oaks and a Stopping black Oak, Fisher's corner, thence S. 58° E. 210 poles to a large poplar thence S. 37° E. 25 poles to a Stake, thence with a line of the 4th. lot, S. 75½° W. 67 poles to a Stake corner to the 4th. lot, and with a line of the 2nd. lot, N. 14½° W. 154 poles to the beginning.

Thirdly, we assigned to Mary Miller, wife of Peter T. Miller during her life, and then to her four children the lot marked No. 4, and represented by the Figure, 10. 11. 12. 13. 14. 15. 16. 17. 18. 20. 9. 10., estimated to contain $76\frac{1}{4}$ acres, and bounded as follows, viz:

Beginning at a walnut stump at the main road and running thence S. 16½° E. 20 poles to a Stake, thence S. 29° E. 85 poles to a Stake on Martin's line, and with Martin's lines S. 60° W. 20 poles to a post oak Martin's corner, thence west 14 poles to a post oak and cedar Martin's corner,

thence S. 15° E. 20 poles to a hickory and post Oak, Martin's corner, thence S 80° W. 32 poles to a post oak, Hamblen's corner, thence S. 32° W. 30 poles to a Stake in Hamblen's line, thence N. 59° W. 18 poles to a Stake corner to the 2nd. lot on the Martin line, and with a line of the 2nd. lot N. 14½° W. 154 poles to a Stake, corner to the 3rd. lot, and with a line of the same N. 75½° E. 67 poles to a Stake, thence S. 37° E. 28 poles to the beginning.

Fourthly, we assigned the lot marked No. 2, and represented by the Figure 18. 19. 3. 4. 18, estimated to contain $67\frac{1}{2}$ acres, to the infant defendants, namely Charles H. Ewing, John M. Ewing, Ellen M. Ewing, Bathsheba R. Ewing, Orey Harris, and Emily Harris jointly which we consider equal in value to Six Sevenths of one fourth as the order directs & bounded as follows, viz:

Beginning at a Stake on the Martin line corner to the 4th. lot and running thence N. 59° W. 52 poles to a double Spanish oak and two cedars, corner to the first lot, and with a line thereof, N. 16½° W. 278 poles to a Chestnut Stake, corner to the 1st. lot, thence N. 8½° E. 37 poles to a Sugar tree, corner to the 3rd. lot, and with a line of the 3rd. & 4th. lots S. 14½° E. 308 poles to the beginning.

Thus we have endeavored to partition and assign to the legal owners the said western division of the land as the order directs and we have made a fair plat showing each lot with the boundaries &c. of the same, all of which is respectfully submitted,
July the 4th, 1876,

Eli Davis
 Champ, J. Hamblen
 Robert M. Hamblen } Commissioners.

Commissioners' fees.

E. Davis for 2 days.	paid	\$ 4.00
C. J. Hamblen " "	paid	2.00
R. M. Hamblen " "	paid	2.00.
		<hr/>
		\$ 8.00

$$\begin{array}{r}
 76 \\
 \hline
 608 \\
 \hline
 2 \\
 \hline
 8610 \\
 700 \\
 \hline
 13,10
 \end{array}$$

May 30th 1873.

I John Miller of Lee County and State of Virginia do make this my last will and Testament.

First. I will that my beloved wife Mary have a support such as she ought to have out of the proceeds of my farm during her natural life.

Second. I will that my Sons Samuel Peter and John and my daughter Mary who is intermarried with one Robert Ewing have the west end of my farm, west of a division line made by myself & run by my son David some year or more ago.

Third. I will that my sons David & William and my daughters Ellen & Sarah have the East end of my farm east of the above described line equally between them, and that any of these my children may sell and dispose of their said interests in and to the above described land to another of said children but not to strangers, but the title is not to pass during the life of myself & wife.

Fourth. I will that after paying the children who may stay with me and take care of me & my wife till our death a reasonable compensation therefor that the remainder if any there be, be so divided among the above described children so as to make them as near equal as can be done and that

my Daughter Ellen have right to house room
in my homestead house during her singleness.

Signed and Sealed
in presents of

R. M. Hamblen

A. M. Ely

^{his} John + Miller
mark

The above is a true Copy of the last will &
Testament of John Miller deceased. Given un-
der my hand this August 19th 1874.

Teste John R. Gibson D.C.
for James Warr Clerk of
Lee County Court J.R.

An attested Copy of
the last will and
Testament of
John Miller deceased.

(C1)

seconds, & now or to take of the
lands allotted to the other heirs,
as shown in the plat of lots No
1 & 2 to their full share 120 acres,
being $27\frac{1}{2}$ acres, less land than is
allotted to the other heirs, then,
praying the court to grant the divis-
ion & report, as made by the said
commissioner and direct a new
& equal division to take place.

P J Miller & wife
per Wm H Burns atty

Exceptors witnesses C. P. Elliott, Andrew
Millburn Jr, Johnathan Barber, A C
McKeel, Champ J Humelin, David
Miller,

The plffs Saml Miller & wife. Say that the
partition made by the commissioners was in
pursuance of agreed lines between the plffs
and deft Miller. And the land assigned
the plaintiffs has been sold to Alex. Mc
Neil by the consent of deft Miller.
Besides the partition as just
Hoyan & Prideman
vs plffs

P. J. Miller & wife
vs } Exceptions
to
} Division
of Miller & Co's
Filed at Aug. Term. 1876
per Wm. C. Clark.

Polk's Travels

1815

To a ...
the last ...
on the East ...
the branch ...
about 4 ...
North of a spring
1 ... 57 ... 13 ...
to ...
on ...

17

Costs vs. Wm. J.
& Harvey Horton
have McNeil sum-
moned as garnishee
on Summons on
Suggestions

274
10420
+37
11797 (69)
960
1597
1440
11370 40
10420
137
9697 (69)
11797
1440
11370
597

175
10 124
20 24
10 17

\$46 W 33 poles

\$65 E 99 p

\$36 E 111 p

\$69 E 30 p

\$53 $\frac{3}{4}$ W 50 p

$$\begin{array}{r} 48 \\ 11 \\ \hline 528 \end{array}$$

$$\begin{array}{r} 54 \\ 74 \\ \hline 13100 \\ 528 \\ 160 \overline{) 13628} (85 \\ \underline{1280} \\ 828 \end{array}$$

\$40 E 304 p
\$41 E 161 p
\$49 E 163 p
\$55 E 207 p
\$25 E 66 p

11 $\frac{1}{2}$

100 99

$$\begin{array}{r} 100 \\ 99 \\ \hline 1 \end{array}$$

$$\begin{array}{r} 57 \\ 2 \\ \hline 114 \end{array}$$

$$\begin{array}{r} 100 \\ 15 \\ \hline 800 \\ 160 \\ 157 \overline{) 2400} (153 \\ \underline{152} \\ 880 \\ \underline{785} \\ 450 \end{array}$$

$$\begin{array}{r} 165 \\ 93 \\ \hline 495 \\ 1495 \\ 15445 \\ 1440 \\ \hline 1045 \end{array}$$
$$\begin{array}{r} 147 \\ 31 \\ \hline 147 \\ 441 \\ 4557 \\ 2278 \\ 160 \\ \hline 678 \\ 640 \\ \hline 380 \end{array}$$

\$25-M 16 p
3 codons

702(2)

$$\begin{array}{r} 18.1 \\ \times 6 \\ \hline 108.6 \end{array}$$
$$\begin{array}{r} 17.6 \\ \times 2 \\ \hline 35.2 \end{array}$$
$$\begin{array}{r} 33.6 \\ \times 2 \\ \hline 67.2 \end{array}$$

$$\begin{array}{r} 46 \overline{) 702} \quad 15- \\ \underline{46} \\ 242 \end{array}$$

$$\begin{array}{r} 55- \\ 9\frac{1}{2} \end{array}$$

$$\begin{array}{r} 505 \\ 25 \\ \hline 160 \overline{) 530} \quad 3. \\ \underline{480} \\ 500 \end{array}$$

$$\begin{array}{r} 48- \\ \underline{480} \\ 48 \end{array}$$
$$\begin{array}{r} 160 \overline{) 720} \quad 4\frac{1}{2} \\ \underline{640} \\ 80 \end{array}$$

The Commonwealth of Virginia:

To The Sheriff of Lee County:—Greeting,

WE COMMAND YOU TO SUMMON *Peter T. Miller and Mary Miller his wife and their children to wit Martha M. Miller Mary Miller William H. Miller Jr and Sarah Miller and Charles H. Ewing John M. Ewing Ellen M. Ewing Beth-
Shoba H. Ewing Orsay Harris and Emily Harris and John Miller and Martha L. Miller his wife and William Miller Sr and Mary Miller his wife and Ellen C. Miller and John B. Thompson and Sarah C. Thompson his wife*

to appear before the Judge of the Circuit Court of Lee County, at the Court-house, in the

Clerk's Office, at *February*
inhibited in our said Court against *them*

Rules next, to answer a bill in chancery, ex-

*hibited in our said Court against them by Samuel Miller and
Caroline Miller his wife*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-house, this *20th* day of *January*, 1876, in the *10th* year of the Commonwealth.

James W. Orr Clerk

We the undersigned parties Defendants in & To
the within Summons in Chancery do hereby
accept the legal Service of the within Summons
in Chancery on this the 21st day of January 1876

Peter J Miller
John Miller
Mary Miller
Ellen C Miller
Martha L Miller

Samuel Miller & wife

vs. } Spec. in Chy

Peter J. Miller -
& others

Returnable to
February Rules
1876.